## IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF GEORGIA BRUNSWICK DIVISION

JASON BATES,	)
Plaintiff,	)
Vs.	) CIVIL ACTION NO.: CV210-088
AUDREY ANDERSON, Unit Counselor,	) ) )
Defendant.	)

## ORDER

Plaintiff Jason Bates ("Plaintiff") filed an Objection to the undersigned's Order dated June 27, 2011, which granted Defendant Audrey Anderson's ("Defendant") Motion for Summary Judgment on Plaintiff's equal protection claim and his claims for compensatory and punitive damages claims. The undersigned construes Plaintiff's Objection as a Motion for Reconsideration of that Order. Plaintiff contends that Defendant currently is being investigated for calling an inmate a racially derogatory name. However, Plaintiff's contention cannot serve as support for his contention that Defendant retaliated against him in 2009. Plaintiff's Motion is **DENIED**. The Court's Order dated June 27, 2011, remains the Order of the Court.

Plaintiff also objects to the Magistrate Judge's recommended disposition of Defendant's Motion to Dismiss regarding the exhaustion of his administrative remedies on Plaintiff's retaliation claim. After an independent and *de novo* review, and as the Magistrate Judge noted, the only mention of the word "retaliation" in Plaintiff's

administrative filings was made by the Regional Director in his Response to Plaintiff's appeal of the Warden's response. Additionally, Plaintiff made no assertion in his administrative filings which indicated his contention that Defendant retaliated against him. Plaintiff did not exhaust his administrative remedies concerning his claim that Defendant retaliated against him.

Plaintiff's Objections<sup>1</sup> are **overruled**. Defendant's Motion to Dismiss is **GRANTED**. Plaintiff's retaliation claim is **DISMISSED**, without prejudice. There being no other issues pending for the Court's consideration, the Clerk of Court is directed to enter the appropriate judgment of dismissal.

SO ORDERED, this \( \bigcup \) day of \( \textcolor{1}{\infty} \)

, 2011.

LISA GODBEY WOOD, CHIEF JUDGE UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF GEORGIA

<sup>&</sup>lt;sup>1</sup> Defendant filed a Response to Plaintiff's Objections, and Plaintiff filed a Reply. The undersigned has reviewed these pleadings in making the determination herein contained.